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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,775	01/06/2000	Christopher N. Elsbree	ICO-004 (4594/11)	2147

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EXAMINER

JOSEPH, THOMAS J

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten initials 'AG' at the bottom right corner.

Office Action Summary

Applicati n N .

09/478,775

Applicant(s)

ELSBREE ET AL.

Examin r

Thomas J Joseph

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hickey et al. (US 5,889,516), Wang et al (US 6,380,959), and Hetherington et al. (US 6,141,005).

Claim 1:

Hickey teaches executing an application on a computer system linked to a portable terminal (col. 3, lines 1 – 10). Hickey discloses a computer with a first operating system. Hickey describes a less capable hand held terminal and the more capable hardwired terminal (fig. 2, #21). The larger memory in the larger computer contains an operating system with more capabilities. The smaller computer or terminal is a portable computing device in communication with the larger computer. Hickey teaches generating on the computer a human-machine interface that is operable on the said portable computing device (fig. 2, #25). Hickey teaches an application communicating between the computer and the said portable computing device (col. 2, lines 1 – 10). Hickey fails to teach a method for generating on the computer a software object that provides a graphical human-machine interface when operating on the

portable computing device. However, Hickey does allude to the need for such a download by demonstrating client terminals linked to a main host computer.

Wang teaches a method for generating on the computer a software object that provides a graphical human-machine interface when operating on the remote computing device (col. 3, lines 50 – 70). Such a remote computing device can include any notebook or laptop PC. Further, Wang teaches transferring the software object from the computer to the portable computing device (col. 3, lines 50 – 70). This downloading requires some type of transferring of a software object from the host system to the portable client terminal. The downloading of browser code including the JAVA taught within Wang involves the downloading of a software object that provides a graphical human-machine interface that operates on the remote computing device. Wang demonstrates a client accessing software objects (col. 6, lines 38 – 70). Browser technology often uses icons although Wang does not emphasize icons. This alludes to the need for an interface that uses icons for accepting human input. It would have been obvious to one with ordinary skill in the art at the time of the invention to combine downloading of software objects taught by Wang with the coupling of portable computing devices with a host computer disclosed by Hickey. Doing so enables the users of the said portable computing devices to be less dependent on the main host computer. This can improve performance because terminal users are less dependent on the limited resources of the host computer.

Hickey and Wang fail to teach a true graphical user interface but does teach an interface for accepting human input. Hetherington teaches a GUI for accepting human

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input that can be used with client computing devices (fig. 3 – 4b). It would have been obvious to one with ordinary skill in the art to combine the graphical interface technology taught by Hickey and Wang with the portable computing system combined with a larger computer. Doing so gives the user greater flexibility in manipulating screen data. The user interface taught by Hetherington uses a variety of computer graphics provides additional icons that give the user greater ability to access more options in a timely manner (fig. 4a – 4b). Scroll bars, arrows, maximize button, etc. are all examples of these icons.

Claim 2:

The user interface (UI) taught by Hetherington uses a variety of computer graphics (fig. 4a – 4b). This said UI provides additional icons that give the user greater ability to access more options in a timely manner (fig. 4a – 4b). Hickey teaches generating on the computer a human-machine interface that is operable on the portable computing device (fig. 2, #25). Claim 1 teaches the rationale combining Hetherington and Hickey for providing a step for stimulating on the computer the operation of a graphical human-machine interface on a portable computing device.

Claim 3:

Claim 1 teaches the rationale for operating the graphical human-machine interface on a portable computing device. Hickey teaches transmitting between the computer and portable computing device information related to the operation of a human machine interface (col. 2, lines 45 – 57). A rationale for combining Hickey and

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Hetherington to create a graphical human-machine interface is taught by rejected claim

1.

Claim 4:

Hetherington teaches adapting graphical human-machine interface for controlling at least one process parameter (fig. 5b). Any preference is considered a process parameter. Neither the claim language nor the description provides provide the meaning of “at least one process parameter” cited by the Applicant.

Claim 5:

Hetherington teaches operating notebook computers with GUI based operating systems linked to a server (col. 5, lines 40 – 55). The windows in these operating systems are the GUIs. These notebook computers comprise at least a generated graphical human-machine interface operable on the portable computing device, the graphical human machine interface comprising a processor-independent graphical human-machine interface object, and a run-time engine specific to a selected processor present on the portable computing device.

Claim 6:

Hetherington teaches a notebook computer that uses a Microsoft Windows operating system (col. 5, lines 40 – 55). Hetherington makes reference to using a version of windows consisting of Windows 95 or later. This operating system can include Windows CE.

Claim 7:

Hickey teaches use of a handheld computing device (fig. 1; col. 45 – 57).

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Claim 8:

Hickey, Wang, and Hetherington teach the rationale of claim 8 in rejected claims 1 and 2.

Claim 9:

Hickey, Wang, and Hetherington teach the rationale of claim 9 in rejected claims 1 and 2.

Claim 10:

Hickey, Wang, and Hetherington teach the rationale of claim 10 in rejected claim 4.

Claim 11:

Hickey, Wang, and Hetherington teach the rationale of claim 11 in rejected claim 5.

Claim 12:

Hickey, Wang, and Hetherington teach the rationale of claim 12 in rejected claim 6.

Claim 13:

Hickey, Wang, and Hetherington teach the rationale of claim 13 in rejected claim 7.

Claim 14:

Hickey, Wang, and Hetherington teach the rationale of claim 14 in rejected claim 1 and 2.

Claim 15:

Hetherington teaches operating the graphical human-machine interface on a portable computing device for displaying both graphical information and alphanumeric information (col. 5, lines 40 – 55). Hetherington teaches use of notebook computers that operate Microsoft Windows. Windows is capable of displaying both graphical information and alphanumeric information. Hetherington provides examples of windows that can be displayed on a notebook computer (fig. 4a – 4b). Alphanumeric information includes the day numbers and month name while the graphical information includes icons such as arrows and maximization buttons.

Claim 16:

Hickey, Wang, and Hetherington teach the rationale of claim 16 in rejected claim 6.

Claim 17:

Hickey, Wang, and Hetherington teach the rationale of claim 17 in rejected claim 7.

Response to Arguments

3. Applicant's arguments filed 09/478,775 have been fully considered but they are not persuasive.

The applicant responds to the objection of claim 4 with the appropriate amendment. The Examiner therefore withdraws the said objection.

The Applicant responds to the 35 USC 103 rejections of claims 1 – 17 by amending claims 1 – 5, 8, 11, 14, and 15.

The Applicant responds to the rejection of independent claims 1, 8, and 14. The Applicant fails to explain or define within the claim language the meaning of software object. The Examiner considers the argument³ by the Applicant filed on August 26, 2002.³⁹ However, they have been determined to be moot based on new grounds of rejection.

The Applicant responds to the rejection of dependent claims 2 – 7, 9 – 13, and 15 – 17. However, the Applicant fails to provide additional reasoning supporting the withdrawing of the previous rejection.

Due to at least the above reasons, the rejections of claims 1 – 17 remains standing.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J Joseph whose telephone number is 703-305-3917. The examiner can normally be reached Mondays through Fridays from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

tjj

October 16, 2002

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100